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PUBLIC HOUSING IN YONKERS, NEW YORK
THE IMPACT OF PLANNERS
ON
SITE SELECTION IN A SEGREGATED COMMUNITY
BY
CATHLEEN BROOKE HOLDEN
A RESEARCH PROJECT SUBMITTED IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE AND MASTER OF
COMMUNITY PLANNING
UNIVERSITY OF RHODE ISLAND
1987

MASTER OF COMMUNITY PLANNING
RESEARCH PROJECT
OF
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I. INTRODUCTION

The purpose of this study is to examine the decision-making process by which sites for public and subsidized housing in the City of Yonkers, New York were selected, with particular attention to the role of the planner.

The basis for this study is a landmark court decision handed down by Judge Leonard B. Sand of the Southern District Federal Court. In the United States vs. the City of Yonkers, et al, Judge Sand found a causal relationship between the segregated conditions of the city's public housing and schools and decisions of federal, state, and local agencies. Judge Sand found that the City Council and the Community Development Agency of Yonkers, deliberately located public and subsidized housing in a heavily minority, downtown area of the city, Southwest Yonkers. This pattern of segregated housing supported a school board which intentionally maintained a racially segregated school system.

The hypotheses of this study are twofold; first, that the professional planners, by and large, refused to acknowledge the relationship between the composition and location of housing and the resultant segregation of schools. For example, they did not understand the relationship between the location of public housing and the issues of school segregation planning, bus routes, feeder patterns, and school enrollment composition. And

second, that planners were ineffective in influencing, or would not engage in, the political process which promoted housing segregation through the site selection process over the past forty years. In addition, they refused to influence the school districts' decisions which promoted school segregation. These hypotheses are explicated by an analysis of how site decisions for public housing were made with emphasis on the the role of the planner.

There are several reasons why the case against the City of Yonkers was chosen as the topic of this study. First, this is a landmark decision which planners, city officials, and interest groups, will look to when grappling with issues relating to housing and school segregation. For municipal planners in particular the decision is a pivotal one. It sets forth a legal responsibility under the Fourteenth Amendment, on the part of municipal officials, including planners to avoid discriminatory policies in creating public and subsidized housing that can lead to segregated neighborhoods and schools (Feld, 4).

The segregated condition of housing and schools in Yonkers also poignantly illustrates the importance of understanding the implications of the planner's role in decision making, and the relationship of that role to the political environment. Alan Altschuler commented that:

as planners become more conscious of political roles , they may also become more tolerant of concessions made in the name of expediency and for planners as a servant to particular clients within the community. Unless planning theory has defined some principals that are inviolable, the moral position of the planner may be compromised (Rabinovitz, 154).

In her book, City Politics and Planning, Francine Rabinovitz attributes the effectiveness of planning to three variables: the organization of the municipal planning agency (generally beyond the scope of this study), the role of planners, and the political system. The primary role of the planners in Yonkers was that of technician. According to Rabinovitz, the technician provides advice and presents alternatives to decision makers, but does not attempt to implement recommended courses of action. The norm supporting this role is to avoid conflict with community leaders (Rabinovitz, 14). Given the political environment which characterized Yonkers, the role of the technician was incompatible with promoting and realizing policies that recognized the interrelationships of housing and schools, and incorporated values of social equity.

The underlying framework used to organize and analyze the decision making process for site selection in Yonkers was based on a conceptual scheme employed by Martin Meyerson and Edward Banfield in Politics, Planning, and the Public Interest. In their study of how sites were selected for public housing in Chicago during the late 1940's and 1950's, Meyerson and Banfield examined the "ends" which various actors sought to obtain and the way they went about attaining them. They defined an end as "an image of a state of affairs which is the object or goal of activity." In this case study each of the key actors involved in the site selection process for public housing in Yonkers are

analyzed in terms of the end which they sought to attain. Very often the ends of different actors were in conflict. Yonkers City Council dominated the decision making process; its "ends" were the ones that were realized.

The primary source for this study was Judge Sand's decision issued on November 21, 1985. In the 665 page document, the actions of federal, state, and local officials are meticulously detailed through testimony, local, state, and federal government documents, and federal and state housing legislation. A key assumption made in preparing this case study was that the federal court's decision accurately reflects the events, policies, and activities of the principals in the forty years examined by the court.

II. THE COURT CASE

In 1980, responding to a complaint by the Yonkers branch of the NAACP, the U.S. Department of Justice filed a suit against the City of Yonkers, the Yonkers Board of Education, and the Yonkers Community Development Agency charging that the City segregated its public housing and schools racially. Specifically the defendants contended that City officials:

Intentionally followed a systematic pattern of selecting sites for public and subsidized housing projects that has effectively perpetuated racial segregation in the City of Yonkers, in violation of the constitution and Title VIII of the Civil Rights Act of 1968, and the segregated condition of public schools has been caused, in substantial part, by intentional, racially discriminatory actions and omissions (US vs. Yonkers, Appendix, 1).

In response to the housing component of the case the City contended that it did not select sites for public housing on the basis of race, and that "any segregative effect which the site selections may have had was entirely unintended." The City asserts that (NB):

the extreme concentration of subsidized housing in Southwest Yonkers reflects only a consistent strategy, adopted for reasons unrelated to race, to use subsidized housing to help rebuild Southwest Yonkers. In defense of that strategy the City argues that it was recommended by outside consultants as well as by its own planning staff, and indeed, even encouraged by federal housing and urban renewal policy (US vs. Yonkers, 5).

Judge Sand, however, on November 20, 1985 ruled that the City had in fact illegally and intentionally created or maintained racial segregation in its public housing and schools. His decision was hailed as a landmark ruling since for NB: In this study, the City means the Yonkers City Council.

the first time a federal court accepted the argument that housing and school segregation were causally linked, showing how the first bore responsibility for the second. The Court found that the actions of responsible city, state, and federal authorities, and the School District in Yonkers created and maintained a segregated school system; the housing policy decisions often caused and certainly exacerbated racial segregation in Yonkers (Feld, 3). Judge Sand determined that City officials, in response to extreme opposition by communities outside the Southwest, effectively transformed a legislative requirement to provide adequate relocation into a mandate to construct as much public housing as possible in the Southwest (NB)

In formulating his ruling Judge Sand cited several recurring patterns which emerged out of the City's efforts to select sites and construct public housing:

1. the emergence of strong community opposition to proposed subsidized family housing when sites were located in predominantly white East Yonkers,
2. a political structure likely to make community opposition unusually effective, and
3. the consistency with which the sites that prompted opposition in East Yonkers and other heavily white areas were subsequently rejected, abandoned, or otherwise opposed by city officials (US vs. Yonkers, 181-182).

The Court found that planning objectives stated in local plans (such as the Master Plans and Housing Assistance Plans) as well as state and federal programs were disregarded or compromised; that the degree to which a proposed site was supported or rejected depended on whether it was in the eastern or western part of the City; and that planning criteria were applied inconsistently. The Court noted that the City was warned NB: The Southwest is made up of census tracts 1-6 and 10-13, or their subdivided equivalents after 1960.

repeatedly of the negative effects resulting from the concentration of subsidized housing in Southwest Yonkers by many sources at different times including the City's Planning Director, representatives of the U.S. Department of Housing and Urban Development, the New York State Urban Development Corporation, and a variety of local and national interest groups.

The history of public housing presented in the Court's ruling is long and complex. An article published in a local paper, the Herald Statesman summarizes the key events that took place since 1971. This chronology is found in Appendix A.

However, one major component which should be reviewed, is the role of the U.S. Department of Housing and Development (HUD) in the case.

The NAACP joined the City of Yonkers in a suit against HUD filed in 1980. In March of 1984 a consent decree was agreed upon between the NAACP and HUD in a partial settlement of the case. HUD was required to provide federal funds for the construction of 200 units of low-income family housing in East Yonkers and provide for 175 rent subsidies. HUD also agreed that it would cut off all funding unless the City agreed to build the housing and to use the subsidies in East Yonkers (Timeline, A6).

The Status of the Case as of July 31, 1987

In the month after the court decision was issued Judge Sand ordered the City to submit separate proposals to desegregate the City's schools and housing. By September, 1986 the Yonkers school system opened under an integration plan. However, the City strongly resisted implementing remedies to the housing situation. Progress was virtually at a standstill until July, 1987.

In May, 1986 Judge Sand issued an order calling upon the City Council to:

1. Submit within 15 days of May 28, documents that will release \$7 million that can be used to fight blight.
2. Submit within 30 days at least two site in north and east Yonkers that can accommodate 140 units of low-income housing.
3. Establish within 60 days a Fair Housing Office that could oversee implementation of the integration effort.
4. Submit within 90 days sites for 60 more new low-income housing units in north and east Yonkers. Also submit nominees for executive director of the Fair Housing Office.
5. Submit within 120 days actual development plans for the first 140 low-income housing units.
6. Submit within 150 days a plan for the first year of activities for the Fair Housing Office that would include antidiscrimination education activities.
7. By November 15, submit a plan spelling out how, where, and how many additional low-income units the City is prepared to create.
8. In five years the City can move for dismissal of the case if it has shown success in its integration effort (Cortissoz, A1).

In the months that followed the City Council was effectively paralyzed as a result of bitter debates over how to act on the Court's order. Finally on July 1, 1987 Judge Sand threatened to impose severe daily fines if the City failed to produce a housing integration plan. He also imposed a freeze on

the sale or transfer of city owned land to insure that it would be available for subsidized housing (Feron, A2). On July 7, the City Council submitted eight sites for the construction of 200 units of low-income housing and a Housing Assistance Plan outlining how federal money would be spent (Hochman, A1).

As of July 30, 1987, the City faced two roadblocks: the School District voted not to give up three school sites needed for the City's plan and the Westchester County legislature delayed making a decision on the release of county land also required to implement the City's plan (Stevenson, A3).

III. THE KEY ACTORS

Over the course of forty years numerous individuals and agencies played various roles in the development of the public and subsidized housing in Yonkers. In the chart shown on pages 21 and 22 key actors are shown according to the periods in which they participated. The involvement of many of the actors overlaps more than one period. This section provides a description of each actor and their role in site selection.

YONKERS CITY GOVERNMENT

(see Exhibit 1, page 15)

City Council

Yonkers has a council-manager form of government. The election of councilmembers was organized around a ward system. Each of twelve wards elected a representative to serve on the City Council for a two year term (NB). In addition to the twelve ward representatives, the mayor, chosen through a city-wide election, also sat on the City Council as a voting member (City of Yonkers 1985, 1). The thirteen member Council was vested with

NB: In 1983 a lawsuit was filed by the New York Civil Liberties Union on behalf of the Black and Hispanic Political Club of Yonkers (later joined by the NAACP) charging that the City violated the federal Voting Rights Act because the format for electing councilmembers diluted the voting strength of blacks and Hispanics. A settlement was reached in April 1986 which required that the City re-draw council districts and elect seven members, two of whom would be chosen through city-wide elections (Tumulty, A3).

all legislative powers including control over the budget, public programs, and improvements, and the use of public lands.

City Council appoints a city manager who is charged with the administration of the city government. The city manager appoints all agency department heads. The Mayor appoints certain agency board members (such as the members of the Planning Board) subject to the approval of the City Council (City of Yonkers 1985, 1).

The Municipal Housing Authority (MHA)

The Yonkers Municipal Housing Authority was established in 1935 under New York State's Public Housing Law. It was empowered to propose, construct, and operate public housing in the City. The MHA was relatively independent from the City Council, and funded directly through the U.S. Department of Housing and Urban Development (Martin, 14). But projects initiated by the MHA had to be approved by a majority vote of both the Planning Board and the City Council. The City Council can override a Planning Board decision with a three-quarter majority vote. In addition, the seven non-salaried members of the MHA Board were appointed by the city manager (US vs. Yonkers, 9).

The Yonkers Urban Renewal Agency (YURA)

The Yonkers Urban Renewal Agency operated from 1964 through 1971. YURA was authorized to coordinate and implement various federal and state assisted urban renewal projects. It had a five member board consisting of the city manager, the mayor, the

corporation counsel, the city comptroller, and the planning director (US vs. Yonkers, Footnotes, 8).

YURA's staff reported directly to the city manager. George Plantadosi served as its acting director when the agency was initially established. Walter Webdale became YURA's first permanent director. He headed the agency from 1967 through the fall of 1971 when he joined the Urban Development Corporation.

YURA had a standing Citizens Advisory Committee that was to provide recommendations and feedback to YURA but had no authority over its actions.

The Community Development Agency (CDA)

YURA was replaced by the Community Development Agency in 1971. When this change took the place its board was expanded to include two community members appointed by the mayor and approved by city council (US vs. Yonkers, Footnotes, 8-9). The CDA was named along with the City of Yonkers as a codefendant in the housing portion of the case.

Alfonse Yost became the Director of the CDA in 1974. At that time he was also the head of the Department of Development .

The Department of Development (DOD)

The Department of Development was established in 1971. It had jurisdiction over three offices: the Planning Bureau, the CDA, and the Bureau of Housing and Buildings. The Administrator of DOD was charged with the responsibility of coordinating and administering community development activities within Yonkers

DOD was the first contact point for individuals and firms with proposals for development (City of Yonkers 1985, 61). Walter Webdale was director from 1962 to 1971. Morton Yulish became director in 1971 and served until 1974. He was succeeded by Alfonse Yost (he headed both DOD and CDA).

The Planning Bureau

The Planning Bureau (called the Planning Department until 1971) was responsible for studying physical, economic, and social conditions in Yonkers; providing city agencies and citizens with technical assistance relating to planning matters; and developing plans for the City as a whole as well as neighborhood areas which establish goals and objectives and specific programs for implementation. The Planning Bureau also served as technical support staff to the Planning Board (City of Yonkers 1985, 61).

Philip Pistone served as director of the Planning Bureau for nearly 30 years. In 1986 he became the Commissioner of Planning and Development.

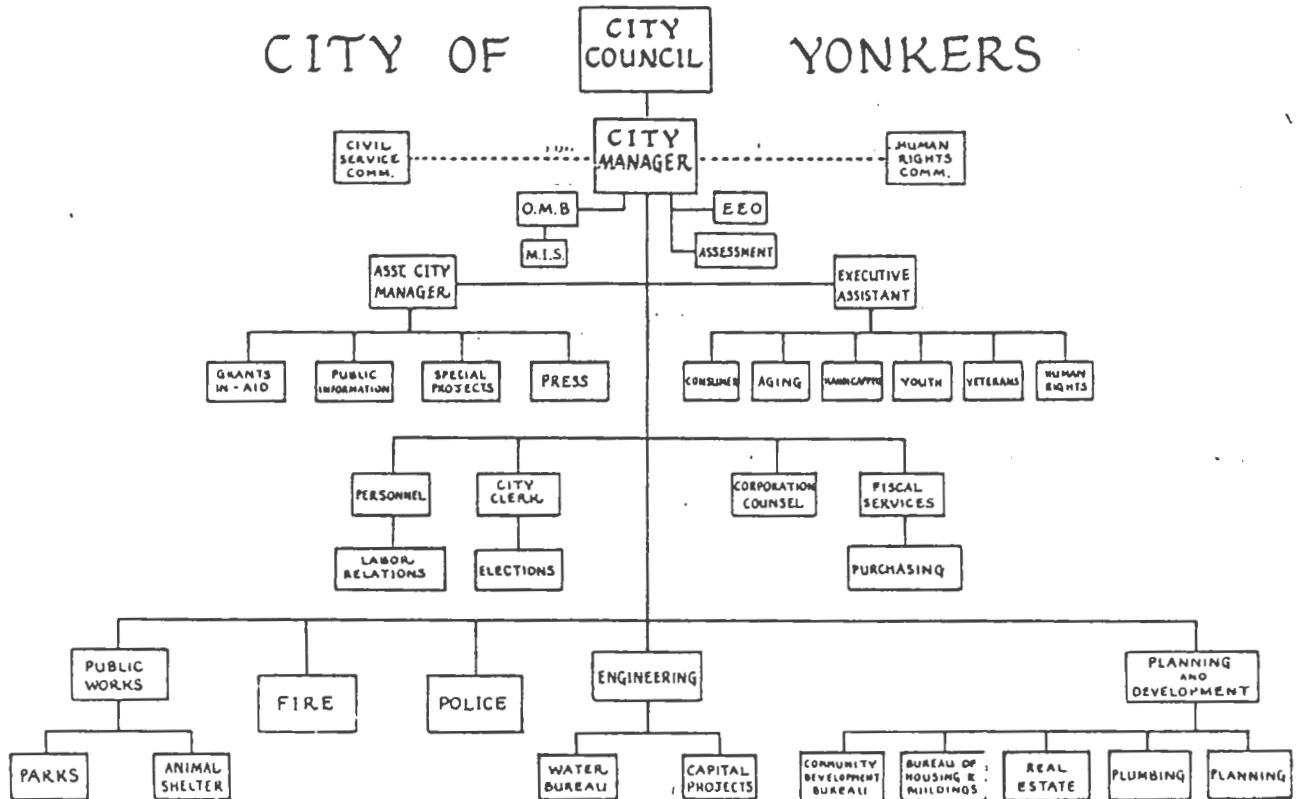
The Planning Board

The Planning Board was responsible for reviewing such items as zoning amendments, the capital budget, municipal parking lot locations, certain exception usages, and all subdivision plans. It also reviewed urban renewal plans, all public housing sites, and certain subsidized housing projects (City of Yonkers 1985, 155).

The Board was comprised of seven non-salaried citizen members, all of whom were appointed by the mayor. Planning Director Pistone served as chairman of the Board.

EXHIBIT 1

Functional Organization Chart



5/85

Source: Yonkers City Government: A Manual and Directory to the City of Yonkers and Its Government, May 1985, p.1

STATE AND FEDERAL AGENCIES

The New York State Urban Development Corporation (UDC)

In 1968 the New York State legislature formed the UDC as a public benefit corporation to serve as a catalyst to residential, commercial, and industrial development throughout the state (So, et.al., 51). It enjoyed broad powers including the authority to override local zoning laws and condemn land. In 1970, however, UDC lost its authority to override residential zoning ordinances. The amendment to its powers was initiated by a Yonkers representative on the Westchester County Board of Supervisors (So, et.al., 51).

The U.S. Department of Housing and Urban Development (HUD)

The U.S. Department of Housing and Urban Development was responsible for administering a variety of federal programs. Its involvement in Yonkers can be traced back to the mid-1960's when the City of Yonkers applied for funds for a major urban renewal project in the Southwest, known as "Riverview". HUD's policies regarding subsidized housing changed over the years. At least as early as the mid to late 1960's there was a general concern that urban renewal was becoming a euphemism for "black removal" in those cities that did not provide adequate relocation housing. In response, communities were encouraged to place some relocation housing near urban renewal areas. However, HUD did not endorse a policy of restricting all relocation housing to those areas. From 1970 on HUD encouraged the provision of

housing for minorities throughout the community (US vs. Yonkers, 87). Under S. William Green, the New York Area Regional Director, HUD actively pressured the City of Yonkers to adopt a policy of scattered site housing. However, the enforcement of that policy varied from year to year.

The U.S. Department of Justice

The CIVIL RIGHTS Division of the US Department of Justice first opened an investigation in Yonkers in 1978 after a complaint was filed by the NAACP. On December 1, 1980, the Department of Justice filed suit in US District Court to force the Yonkers school district to integrate, and to require the City to develop future subsidized housing sites outside areas of minority concentration (Herald Statesman, 1985).

The Justice Department brought in several witnesses, including Paul Davidoff and Diana Pearce, experts on housing and school segregation. The City of Yonkers had its own expert witness in urban planning, David Portman. This was the first time that planners were called into a segregation case.

INTEREST GROUPS

Local Organizations (City and Regional)

For almost every site formally proposed at least one local organization , and usually more, made its voice heard. Some even filed law suits on various occasions. The local organizations responding to public and subsidized housing issues ranged from neighborhood groups to city-wide civic associations and tax payer groups. Generally they represented the interests of the white majority, however, other groups such as the Westchester County Urban League, the local branch of the League of Women Voters, and church organizations from the Southwest criticized the city for consistently located public and subsidized housing in the Southwest of Yonkers.

National Organizations

National interest groups concerned with the segregation of housing and schools in Yonkers included CORE (the Congress of Racial Equality) and the NAACP. The NAACP filed a complaint with the U.S. Department of Health, Education, and Welfare, and the Justice Department in 1978 charging that Yonkers schools were deliberately segregated (Timeline, A6). In 1981 the NAACP was named as a codefendant in the school portion of the suit against the City of Yonkers.

The local branch of the NAACP had long criticized Yonkers city officials in regard to its selection of sites for public and subsidized housing.

PRIVATE DEVELOPERS AND PLANNING CONSULTING FIRMS

Private Developers

Private developers generally focused their attention on the Southwest. Most projects for subsidized housing required the assistance of the City to acquire land. Such assistance was not likely to be forthcoming if the project was proposed for a site in the Northwest or East where community opposition would be strong. Further, starting when Walter Webdale became the director, YURA actively recruited sponsors for projects in the Southwest. No comparable outreach was made to the rest of Yonkers (US vs. Yonkers, 59).

Planning Consulting Firms

Also playing a role in Yonkers public housing activities were two planning consulting firms: Candeub and Fleissig, and KRS Associates.

In 1969, Candeub and Fleissig was jointly commissioned by the City Council, the Yonkers Chamber of Commerce, and UDC to conduct a survey of vacant land. The survey was carried out as part of an effort to dissuade the Otis Elevator Company, one of the city's largest employers, from relocating (US vs. Yonkers, 61). The Candeub and Fleissig survey resulted in a list of ninety-eight vacant land sites. These sites were ranked based on their suitability for the construction of subsidized housing. After the list of sites became public, intense community opposition against the sites in the north and east of Yonkers

ensued. A mayoral election was in progress at the time the list was publicized. Alfred Del Bello, who won the election, campaigned against the use of the sites for subsidized housing. When he assumed office in 1970, the list was abandoned (US vs. Yonkers, 66).

Patrick Kane with his consulting firm, KRS Associates was hired by Walter Webdale in 1967 to develop a Community Development Renewal Plan (CRP). The plan was part of a study funded by the federal government under its Community Renewal Program. The CRP was to "measure the intensity of community problems which affect the quality of life in Yonkers and set forth a systematic program for their elimination or reduction" (US vs. Yonkers, 108).

The CRP proposed a long range plan for the redevelopment of the Southwest and a short term plan which called for the construction of subsidized housing in the Southwest of Yonkers, and the use of a "checkerboard strategy" to provide sufficient relocation housing required as a result of redevelopment. Kane testified in court that he considered the feasibility of locating subsidized housing in East Yonkers nearly impossible after conversations with city officials and therefore focused on the Southwest (US vs. Yonkers, 109).

EXHIBIT 2

THE ACTORS

	THE 1949 US HOUSING ACT (1940-1968)	THE RIVERVIEW PERIOD (1968-1972)	THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (1972-1980)
YONKERS CITY GOVT	City Council (12 members) + The Mayor: Kristensen Appoints City Manager	Mayors: O'Rourke Del Bello Martinelli	Mayors: Angelo Martinelli Loehr
	Yonkers (MHA) Municipal Housing Authority: Burke	MHA: Burke	MHA: Burke Smith
	The Planning Dept: Pistone	Department of Development Yulish The Planning Bureau: Pistone	Department of Development: Yost The Planning Bureau: Pistone
	Yonkers Urban Renewal Agency (1965): Piantadosi	YURA: Webdale	Yonkers Community Development Agency: Yost
STATE & FED.	HUD	HUD	HUD
		NYS Urban Development Corp (UDC)	UDC: Webdale
INTEREST GROUPS	<u>Anti-Scattered Site</u> o Rose Hill Cnty Assn o Yonkers Council Of Civic & Taxpayers Associations o Chamber of Commerce o Park Hill Residents Association o Lincoln Park Taxpayers Assn	Lincoln Park Taxpayers Assn	Longvale Homeowners Assn

<hr/>			
	Pro-Scattered Site o Yonkers Council of Churches	Yonkers Community Improvement Corp Westchester County Urban League	
<hr/>			
INTEREST GROUPS NATIONAL	NAACP	NAACP: ROSS KEITH	NAACP
<hr/>			
	CORE	Westchester Urban League Yonkers City Improvement Corp.	Westchester Urban League Yonkers City Improvement Corp
<hr/>			
PRIVATE DEVPS. & PLANNING CONSUL.	Private Developers	Private Developers Candueb & Flessig Patrick Fane & KRS Assoc.	Private Developers
<hr/>			

IV. PROFILE OF THE CITY OF YONKERS

Location and Demographic Trends

Yonkers, New York is a large urban community located just north of New York City (see map in Appendix B). It covers roughly twenty square miles. On the north it is bordered by the town of Greenburgh, New York. To the east are several other Westchester County towns. The southern border runs along the New York City Borough of the Bronx. The western border is formed by the Hudson River. Running north-south through the city are several major highways including the Saw Mill Parkway, the New York Thruway, and the Bronx River Parkway, as well as several railroad lines.

In 1980, Yonkers had a population of 195,331 residents. This represents a decrease of over four percent since the 1970 census (US vs. Yonkers, 1). Local studies have also shown a continued loss of population since 1980. Between 1980 and 1982 a drop of over 3,000 residents was reported (Ellman, 1987). Significant changes have also taken place in the composition of the City's population, particularly in the period 1960-1980 (See Exhibit 3). During those years the minority population increased by 325% (US vs. Yonkers, 171). Between 1970 and 1980 the number of white residents dropped by thirteen percent (see Exhibit 3). Further, the population in general is an older one now than in 1970. This trend is illustrated in Exhibit 4.

EXHIBIT 3

Yonkers Population by Race: 1970 TO 1980

RACE	1970		1980		Change 1970 to 1980	
	#	%	#	%	#	%
TOTAL	204,297		195,351		(-8,946)	(-4.4%)
WHITE	189,873	93%	164,359	84%	(-25,514)	(13.0%)
BLACK	13,003	6%	20,583	11%	+7,580	58%
HISPANIC	7,232	4%	16,924	9%	+9,692	134%
OTHER*	1,421	1%	10,409	5%	+8,908	632%

*Defined as Asian/Pacific and American Indian

EXHIBIT 4

Yonkers Population by Age and Race (Median Age: 34.5)

	1970		1980		WHITE		BLACK		HISPANIC		OTHER*	
	#	%	#	%	#	% <15-18 & >65	#	% <15-18 & >65	#	% <15-18 & >65	#	% <15-18 & >65
< 5	15,244	7%	11,282	6%	8,086	72%	2,038	18%	1,865	17%	1,158	10%
<18	55,487	28%	45,145	23%	33,722	75%	7,557	17%	6,560	15%	3,866	8%
>65	23,040	11%	28,943	15%	27,523	95%	1,118	4%	706	2%	302	1%

*Defined as Asian/Pacific and American Indian

The distribution of the Yonkers' population has typically been spatially divided: minorities concentrated in the Southwest, the white population living primarily in the Northwestern and Eastern parts of the City. In the 1980 census, the Southwest (where 37.5% of the city's total population resides) contained 80.7% of Yonkers minority population (US vs. Yonkers, 3).

The distribution of Yonkers' population by race corresponds to other residential and economic trends. The northwestern and eastern sections of the City are characterized by middle and upper-income suburban residential areas. Neighborhoods are dominated by well maintained single family homes interspersed with shopping centers and apartment complexes (US vs. Yonkers, 3). The southwestern section of the City, in contrast, is characterized various types of family dwellings ranging from World War II walk-ups to high-rise apartment buildings. Generally, the housing stock in this part of the city is in poor condition (US vs. Yonkers, 3). Getty Square, the city's Central Business District (CBD), presents a sharp contrast to the successful suburban shopping centers. As early as the 1940's Getty Square was perceived to be deteriorating. Between 1963 and 1972, the number of retail stores dropped by 26%, from 351 to 259 (City of Yonkers 1977, 4). Today, despite various urban renewal efforts the CBD is still has dilapidated buildings, vandalism, and a high commercial vacancy rate.

The majority of Yonkers' work force commute to other locations. Only 31% of its working residents over the age of sixteen are employed in Yonkers. Another 30% work in New York City, 17% in Westchester County, and the remaining 22% elsewhere (Ellman 1987).

Historical Development

The historical development of Yonkers can be organized into several district phases during which it was transformed from an agricultural community into one of New York States five largest cities with significant industrial and commercial centers (US vs. Yonkers, 1).

From the early 1600's to the 1800's, when the land was first settled by colonists, the population growth of Yonkers took place primarily along the area's existing two major transportation routes: the Hudson River and the Albany Post Road (later known as Broadway) (City of Yonkers 1977, 6).

As technology advanced in the 1800's the development of Yonkers began to accelerate. The hub of the development was in the southwest corner along the Saw Mill and Hudson Rivers. Steam powered ships and a railroad system gave Yonkers ties to the Port of New York and the growing mid-west.

Industrial growth took place, powered by a rapidly arriving immigrant population. By 1900, Yonkers was a major city near New York City and Getty Square was a commercial center that provided regional shopping. The CBD continued to grow until World War II. Most of the population resided in the southwest where there was access to work and transportation (City of Yonkers 1977, 6).

The northern and eastern sections of Yonkers remained quite rural into the 19th century. This gradually changed. Yonkers increasingly became the home for people who worked in New York City. Residential neighborhoods sprouted up near railroad stations (City of Yonkers 1977, 6).

Significantly, the growth that took place in eastern Yonkers was relatively isolated from the western part of the city as a result of topography (for instance, the Saw Mill River divided the northwest quadrant from the rest of the city) and limited means of transportation. The communities that developed in the east were generally self-sufficient through local retail facilities (City of Yonkers 1977, 7).

The emergence of the automobile (with the construction of major roadways that followed) and the continued building of the railroad system allowed further development of the north and east. This was accelerated in the 1950's when Veteran's Administration financing gave hundreds of families the chance to own their own homes. During this period new subdivisions opened up to accommodate the new largely white middle-class population. While some growth occurred in the west its pace did not match the rapid development experienced in the eastern part of the city. The growth of residential areas triggered the construction of new shopping centers and community facilities to service the population (City of Yonkers 1977, 7).

As the eastern part of the city went through a surge of growth the western part of the city started to decline, a trend that has yet to be reversed. In the post-World War II era factories closed. Getty Square began to flounder as a result of competition from suburban shopping malls combined with the lack of good highway access and limited parking facilities (US vs. Yonkers, 2).

IV. THE DEVELOPMENT OF PUBLIC AND SUBSIDIZED HOUSING IN YONKERS

Since the City's first public housing project, Emmett Burke Gardens, opened its doors in 1940, till 1980, 38 subsidized housing projects have been built. Of these thirty eight projects, thirty six are found in the southwestern part of the city. One of the two projects located in Eastern Yonkers was in Runyon Heights, a long established middle-class neighborhood that has been predominantly black since it was developed (US vs. Yonkers, 3). The population of the other east-side project, which houses senior citizens, was virtually all white. In 1985, construction began on two additional projects for senior citizens. One of them is in the East, the other in the West (Brown, B1-B7). See Map in Appendix C for the location, type of housing, and dates associated with each project).

During the forty years since 1940, the city's activities in site selection and construction of public housing can be organized into three separate phases. These are:

- I. 1940-1968: The City's Early Activities under the National Housing Act of 1949 and subsequent federal and state Acts
- II. 1968-1972: The Riverview Period,
- III. 1972-1980: The City's activities under the Housing and Community Development Act of 1974

While this framework is useful for simplifying and organizing the development of public and subsidized housing it is important to recognize that the three phases overlap; they are tied together by the individuals involved and the programs through which public and subsidized housing activities were sponsored. For instance, Phillip Pistone was the Director of Planning in the 1950's; today he is the Commissioner of the Department of Development and Planning. Emmett Burke served as the Chairman of the Yonkers Municipal Housing Authority for more than 20 years. Angelo Martinelli was Mayor from 1974-1979, and again from 1981 until the present, prior to becoming mayor he was a councilmember for several years.

A variety of federal and state government housing acts and programs supported the development of Yonker's subsidized housing. They include:

- * the U.S. Housing Act of 1949
- * the New York State Mitchell-Lama program
- * Section 221 (d) 3 of the U.S. Housing Act, 1961 and amended versions and
- * Section 236 of the U.S. Housing Act, 1961 and amended versions and
- * the Housing and Community Development Act of 1974

These are described in greater detail in this section. Exhibit 4 relates these programs to the time periods for which they correspond.

EXHIBIT 5
Subsidized Housing In Yonkers: 1940-1980

Time Period	Local Sponsoring Agency	Program	Type Of Housing
1940- 1968	MHA	pre-1949 Housing Act	2 family projects (800)
	MHA	Mitchell-Lama 1961	3 family projects (735)
	MHA	US Housing Act 1949	7 projects 3 family (739) 4 senior (626)
			<hr/> 12 projects (2900)
1968- 1972	YURA	Sec. 221 (d) 3 1961	2 family projects (160)
	UDC/YURA	Sec. 236, 1968	813 family projects (2487)
	MHA	Mitchell-Lama	1 senior project (150)
	MHA	Public Housing	1 senior project (140)
			<hr/> 17 projects (2937)
1972- 1980	CDA/MHA	Sec. 8 HCDA, 1974	9 projects 2 family (117) 5 senior (750) 2 mixed (96)
			<hr/> 9 projects (963)
1940- 1980	GRAND TOTAL:	38 PROJECTS	(6800)*

* Two additional projects were under construction when the Court's ruling was issued.

1940-1968: Early National and State Housing Acts

The City's activities during this period can be divided into three sub-phases. The first is generally outside the realm of the court case but will be reviewed for its historical value. The second phase focuses on the city's efforts to find sites for its Year 1 allocation of housing units awarded under Title III of the 1949 Housing Act. The third centers on the City of Yonkers attempts to produce sites for relocation housing.

The Yonkers Municipal Housing Authority (MHA) led the City's earliest efforts to create public housing. Its activities were carried out under the National Housing Act of 1937. This Act encouraged communities to establish independent, special purpose authorities chartered by states. They were empowered to receive federal grants and to build and manage housing. The primary objective was slum clearance (US vs. Yonkers, 8-9). By 1950, the Municipal Housing Authority (MHA) had constructed two housing projects for low-income families: Emmett Burke Gardens and Cottage Place Gardens (US vs. Yonkers, 3).

Across the nation the housing built under the 1937 Act did little to actually add to the total housing supply. Following World War II, an already acute need for housing reached a severe shortage. In response, the Housing Act of 1949 was passed by Congress. Title I provided funds for federally-subsidized private redevelopment of blighted areas and the use of federal credit for the development of vacant and other land.

Title I also required that cities provide "decent, safe and sanitary housing" for people relocated as a result of urban renewal. Title III amended the Housing Act of 1937 to allow the construction of low-income housing through loans and subsidies. This low-rent housing was to be built within six years. The local housing authority would then own and operate the projects.

Very shortly after passage of the 1949 Housing Act, Yonkers initiated an effort to expand the city's public housing through Title III of the 1949 Act. It was anxious to do so because of the rapid deterioration of housing in the Southwest. The City also sought to obtain funds for urban renewal under Title I and housing was an important component to the city's plans (US vs. Yonkers, 10).

In accordance with the procedure for obtaining assistance under Title III Yonkers applied for a reservation of funds sufficient to construct 1,000 housing units. The federal government approved funding for 750 units; it gave the city until August of 1950, nearly one year, to select sites (US vs. Yonkers, 10). It was not until 1959, however, that Yonkers City Council approved the last site to be used for construction of its 1949 allocation of public housing units (referred to as the Year I allocation). During this time period at least eleven sites were proposed for new public housing. Each of those proposed by the MHA in predominantly white neighborhoods, triggered strong community opposition. The first site proposed by the MHA to City Council was in Northwest Yonkers. Two local

Interest groups - a neighborhood organization and the Yonkers Council of Civic and Taxpayer Associations complained that public housing should be used in slum clearance. They also contended that the site did not have adequate access to schools, transportation, or shopping facilities (US vs. Yonkers, 11). Similar arguments were used when other sites were proposed although at various public meetings an objection closer to the heart of the matter surfaced; was the fear that public housing would have a negative effect on property values in the area. The only site that was approved for the City's Year 1 allotment of public housing was on Palisade Avenue (the Schlobohm Houses). The site was located in a heavily minority area of Southwest Yonkers, not far from the City's two existing public housing projects. Unlike sites identified in northwestern and eastern neighborhoods there was no documentation found indicating any public opposition against the Palisade Avenue site (US vs. Yonkers, 14). The local minority community did not complain nor did the white community.

When the site was approved in 1950, 274 units were planned for the project. The City was warned that it could lose its funding if sites were not found for the 476 remaining units. The City Council voted to increase the number of units intended for the Palisade Avenue site from 274 to 413 (US vs. Yonkers, 14).

In approving the Palisade Avenue site for public housing and subsequently expanding it from 274 units to 413 units, the

City Council voted against the recommendations made by the Planning Director and the Planning Board. First, Planning Director Pistone had indicated that the site would be more appropriate for industrial development. In addition, the Planning Board had recommended that public housing sites be limited to 250 units in order to:

reduce their impact on neighborhoods they are located" and so they might be "better integrated with other types of housing existing or to be built in the project areas (US vs. Yonkers, 14).

There is no record in the minutes of the Planning Board's reaction to being overruled, nor of any follow-up. After the approval of the Palisade Avenue site was approved in December of 1950 the City still had over 300 units of housing left in its Year I allotment. Eleven sites were formally considered (six in Southwest Yonkers, two in the Northwest and three in the East) but the City Council would not approve any of them. In 1953, Yonkers lost its remaining allocation when the funding legislation expired (US vs. Yonkers, 15).

The City had a second chance to develop the 335 units planned through the Year I allotment. In 1956 national housing legislation was passed which allowed cities to renew their reservation of funds (US vs. Yonkers, 17). From 1956 to 1958 at least thirteen sites were proposed by the MHA for public housing. Finally, in May 1958, two sites were approved by the City Council for construction of the remaining 335 units. In addition, a third site was approved under a separate program for senior citizen housing. The two sites funded through the 1949

Year 1 allocation were in the Southwest. One was on School Street and the other on Western Avenue. The site for the senior citizen housing project was in East Yonkers near a predominantly black neighborhood. The City Council approved the sites in the Southwest over vigorous objection by the Planning Board. The sites on School Street and Western Avenue would interfere with a proposed arterial system which City planners deemed as vital to the future development of Getty Square (US vs. Yonkers, 18).

The Planning Board instead approved two sites in predominantly white neighborhoods which Pistone characterized as "ideal" (US vs. Yonkers, 22). The sites, however, prompted a public outcry by community residents and opposition from the ward Councilmember. Public opposition prevailed over planning considerations and the City Council voted to approve the sites in the Southwest.

It should be noted that although the City Council acted in response to the concerns of its constituents, public opinion was not entirely one sided. The Yonkers Branch of the NAACP and the Westchester County Urban League criticized the City, contending that its actions further increased the segregation of Yonkers (US vs. Yonkers, 23). These concerns were ignored by the City Council.

From the end of the 1950's through the early 1960's Yonkers strategy to expand its public housing was limited to senior citizen projects. There was no activity aimed at providing family housing until 1965. Four sites for senior citizen housing were approved between 1958 and 1965. Opposition arose

In response to sites for senior citizen projects just as it had when sites for family housing were being considered. Stated objections were based on the fear that "declining real estate values would be followed by neglect and deterioration of the neighborhood" (US vs. Yonkers, 24-25). Two of the sites for senior citizens housing were located in Southwest Yonkers; the third was on the border of the Southwest quadrant near the Saw Mill Parkway. The fourth was located in the heart of East Yonkers. Nearly all of the residents of this project in East Yonkers were white.

In the last phase of the 1940-1968 period the City attempted to find scattered sites for family housing. This effort was initiated as part of a major urban renewal project in the Southwest (referred to as Riverview). Three sites were eventually approved. These sites were the subject of intense debates between interest groups (in favor of and against scattered sites), the City Council, the Planning Board, YURA, the Planning Department, and the MHA. The last three organizations, together and separately, tried to find sites which would be feasible but not necessarily located in the southwest. Typically, neighborhood groups lobbied strenuously against sites proposed in white areas. HUD and various interest groups strongly urged the City to adopt a policy of scattered-site housing. The City, however, once again bowed to public opinion and only approved sites in the Southwest.

In May, 1967, HUD informed the City that it would not approve any of the three sites that the Council had finally managed to approve. This effectively brought a halt (albeit a temporary one) to Yonkers Riverview urban renewal project (US vs. Yonkers, 36).

1968-1972: The Riverview Period

This period was characterized by rapid development of many sites for public housing. A total of seventeen were approved by City Council: two for senior citizens, the other fifteen projects for families. The Court attributed the City's ability to approve sites for subsidized housing during this period to "a series of conscious decisions on the part of the city officials to concentrate on sites which 'politically feasible'" (US vs. Yonkers, 36). Essentially this was interpreted as avoiding sites outside of the Southwest.

The City alleged that the confinement of subsidized housing to the Southwest was part of a strategy to revive that part of the City. Subsidized housing was to be used as "seed investment" to draw private sector residential and commercial development into the Southwest, and encourage the return of middle and upper-income whites to the area.

The housing that was built during these years was funded through two programs known as Section 221(d)3 and Section 236 of the 1961 Housing Act and its amended versions. Section 221(d)3

provided for an interest subsidy to private nonprofit and limited profit organizations for rental housing for low and moderate income families. The interest subsidy program became the basic federal housing program in the 1960's and was further expanded in the Housing Act of 1968 (So, et al. 50).

Section 236 provided federal interest supplements for multifamily rental and cooperative housing mortgages, thus reducing these rentals. HUD administered the program in conjunction with the New York State Urban Redevelopment Corporation (UDC). Created in 1969, the UDC goal was to redevelop the state's substandard areas. To this end UDC was empowered to override local zoning and building codes, condemn and acquire land, and construct buildings (So, et al. 50).

Out of the fifteen projects for family housing seven were sponsored by UDC and eight were initiated primarily by YURA. Of the two senior citizen projects, one was funded through New York State's Mitchell-Lama Program, the other through federal public housing programs (US vs. Yonkers, 52-54).

YURA's efforts to develop subsidized housing through the Section 221 and 236 programs focused on the Southwest. HUD's decision to reject the three sites proposed by the City in 1967 brought the City's urban renewal project to a halt. Walter Webdale, as Director of YURA, sought to get the urban renewal process back on track. Webdale and his staff launched a vigorous campaign to find sites and sponsors for projects in the Southwest. Once sponsors were found, YURA provided technical

assistance in preparing applications to HUD, as well as political support by meeting with federal, city, and school officials (US vs. Yonkers, 52-54).

Between 1968 and 1971, the City Council approved eight projects promoted by YURA all in the Southwest. The first two projects were approved in 1968 (Jefferson Terrace and Highland Terrace). Three more were approved in 1970 (Messiah Baptist, 10 Orchard Street, and Waverly Arms). Finally, in 1971, the last three projects were approved (Buena Vista Avenue, Cromwell Towers, and Jackson Terrace).

The seven UDC projects were the result of negotiations between the City Council and the UDC. Three separate agreements were drawn up between 1970 and 1972. The first Memorandum of Understanding was approved by the City Council in July of 1970. It authorized five projects all located in the Southwest. There was no public discussion of the sites and they were never brought before the Planning Board. The second Memorandum of Understanding was approved in June 1971, and the third in June 1972. The sites authorized in the last two agreements were known as Seven Pines and Parkledge respectively. Seven Pines was located on the northern border of Southwest Yonkers. Parkledge was on the eastern border of the Southwest. Both sites were the subject of intense community opposition and generated heated debates within the City Council. The strategy behind the selection of Seven Pines was to "stabilize the area and bring

middle-income whites back to Southwest Yonkers" (US vs Yonkers, 75). Webdale supported this strategy along with many Councilmembers. The Parkledge project, located in a primarily white neighborhood, was offered in response to a year of pressure from HUD for balanced site selection.

The City provided several explanations in support of its decision to approve sites in the Southwest. Its primary argument was that the City was pursuing a legitimate planning strategy in which public housing was to be used to leverage revitalization in the Southwest. This strategy failed, and the Court determined that it was based on the political decision not to locate subsidized housing outside the Southwest (US vs. Yonkers, 106, 109).

The City also alleged that proposed East-Side sites were not suitable. However, it is clear that the sites were not consistently evaluated based on any standardized planning criteria. The Court found that sites in the East were not seriously considered while sites chosen in the Southwest were often less than ideal from a planning perspective, for example:

- * parking facilities for four projects were absent or inadequate
- * height restrictions were exceeded in three projects
- * topographical problems at several sites added to construction costs
- * several areas had to be redesigned because they were zoned for other uses
- * traffic and transportation problems were identified in conjunction with several sites (US vs. Yonkers, 98-102).

When sites outside of Southwest Yonkers were actually considered, the City Council justified their rejection bases on these types of problems.

The City also abandoned the Candeb and Fleissig survey conducted in 1969 which identified 98 vacant sites throughout the City. The sites were ranked according to feasibility for subsidized housing. Planning Director Pistone, and others, identified eleven sites for further study. Four of the sites were in the Southwest, the other seven were scattered over northern Yonkers (US vs. Yonkers, 61). When Del Bello became Mayor in 1970 the list, which caused considerable public outcry, was abandoned.

1972-1980: The City's Activities Under the Housing & Community Development Act of 1974

In 1974 President Ford signed the Housing and Community Development Act (HCDA). This act established a block grant system which combined previously separate grant programs into a lump sum with funds allocated on a formula basis. A key component of the Act was the development of a Housing Assistance Plan (HAP) approved by HUD. A HAP was to present a three year development plan including the following essential elements: (So, et al. 49)

1. A survey on housing conditions in the community.

2. An assessment of housing needs by age and race.
3. A statement of the community's goals based on housing needs and
4. A description of the type and location of housing assistance to be provided.

An important objective of the Act was:

The reduction of the isolation of income groups within communities and geographic areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial dispersion of housing opportunities for persons of lower income (So, et al. 49).

The primary program for housing assistance provided through HCDA was the Section 8 Program. There are several categories of Section 8 assistance:

- *new construction
- *substantial rehabilitation
- *moderate rehabilitation and
- *existing housing.

The City's strategy outlined in its Year 1 HAP (1975 to 1976) prepared by the Planning Bureau and the CDA, contained three elements:

- *new construction of housing for senior citizens in East Yonkers
- *rehabilitation of structures for families primarily in Southwest Yonkers, and
- *the use of Section 8 Existing Certificates (US vs. Yonkers, 119).

Despite HCDA's clear goal of dispersing subsidized housing the City did not propose any new construction of housing for families although the Year 1 HAP (and subsequent HAP's) documented that family housing was badly needed.

Section 8 Existing Certificates

The Section 8 Existing program provides rental subsidies on behalf of qualified tenants. A local housing agency distributed certificates to eligible families and individuals. The certificate covered a portion of the certificate holder's rent which was paid to the landlord by the designated housing agency (In Yonkers, the CDA administered the program). The certificate holder had to find a landlord willing to accept the certificate (US vs. Yonkers, 118).

In the Initial Year I HAP submitted to HUD the City applied for 100 Section 8 Existing Certificates to be divided equally between senior citizens and families. The City Council passed a resolution to revise its application so that all 100 Certificates would be designated for senior citizens. HUD subsequently approved an award of 50 certificates (US vs. Yonkers, 119-126).

In the Year II and III Hap's the City proposed only to use certificates only for senior citizens. It was not until 1978 that the City applied for Section 8 Certificates for families. At the writing of the Court's decision, out of 94 certificate holders all 70 of the minority holders (both senior citizens and families) lived in Southwest Yonkers. The 24 certificates held by whites were in use only outside of Southwest Yonkers (US vs. Yonkers, 126).

HUD frequently attempted to transfer the Section 8 Existing Certificate program to the Municipal Housing Authority. The City successfully resisted this transfer. The City also rejected an attempt by the MHA to apply for 105 certificates (fifty seven to be designated for families and forty eight for senior citizens). In order to reject the MHA's application the City Council passed a resolution limiting the MHA's authority to providing low-income housing assistance only to senior citizens (US vs. Yonkers, 127).

New Construction for Senior Citizens

The Year I HAP submitted to HUD stated that new projects should be built in East Yonkers because "97% of the City's subsidized housing was located in Southwest Yonkers." Sites in west Yonkers were to be considered only under special circumstances. However, shortly after the City submitted the Year I HAP to HUD, it approved an amendment to the HAP to include a site in Southwest Yonkers. Ultimately five projects for senior citizens were approved by the City Council; all of them were located in the southwest (the projects were: Lane Hill Apartments, Monastery Manor, St. Casimir's, and Kubasek-Trinity Manor) (US vs Yonkers, 134).

Changes to the HAPs were made despite objections raised by The Planning Bureau and the availability of sites in East and Northwest Yonkers, but in response to strong objections voiced

by east-side community residents to allowing subsidized housing in their area.

The Palmer Road Site

In 1979 the City approved a third site outside of the Southwest (as well as another in the Southwest). This project for senior citizens, was proposed by the MHA. It was not part of the Section 8 new construction program. The MHA initiated the project because of a long waiting list for the other east-side senior citizen housing project, Curran Court. The approval of this site did not come without heated debates between the traditional players - local residents who were against use of the site for any type of public housing, the NAACP and other interest groups who supported the site. The MHA lobbied intensely for the approval of the project: the City Council was sharply divided over the issue. The owners of the site went so far as to file suit against the Planning Board contending that the Board did not give sufficient public notice. City council did eventually approve the site in 1980 - the same year the Justice Department began investigating the concentration of public housing in southwest Yonkers (US vs. Yonkers, 143-149).

VI. THE DECISION MAKING PROCESS BEHIND SITE SELECTION

In Yonkers, the selection of public housing sites has been contingent upon the interaction of three key variables; 1) the parties involved in the decision, 2) the location of the site under consideration, and 3) the funding source and hence the applicable policies and regulations.

In this section we will examine the influence of these factors on the decision making behind site selection for subsidized housing will be examined closely. Three separate episodes are explored including a look at the critical actors, and their roles in the site selection process. A key objective is to identify how the interrelationship between actors affected decisions.

The first episode focuses on the city's search for relocation housing for families during the period 1965-1967. This case illustrates the typical roles of four key actors: the City Council, the Planning Board, YURA, and the MHA. The next two episodes demonstrate how individual actions influenced site selection in the context of Yonkers' socio-political culture.

Before looking at the decision making process, it should be noted that the City never adopted a formalized process to identify or evaluate sites. In 1950, in a paper on public housing, the Planning Department published a methodology for such a process but it was not adopted by the City.

The Court did not find any evidence of more recent, or more successful efforts to address this concern (US vs. Yonkers, 44).

Although there was no documented process, an informal modus operandi did develop over the years (see Exhibits 6 and 7). Generally sites were identified by private developers or local agencies (the MHA, YURA which later became the CDA, DOD, etc.) in response to federal and/or state programs. These sites would usually be reviewed by the Planning Board and then considered by the City Council. By the time a proposal was submitted to the Planning Board for review the site was public knowledge. If the site was in the Southwest, usually very little public discussion was generated. If the site was in the Northwest or East Yonkers, community residents were quick to voice their objections.

EXHIBIT 6

EXHIBIT 7

A. The 1965-1967 Campaign for Relocation Housing

In 1965 Yonkers was ready to move ahead on its riverfront urban renewal project (referred to as Stage II or Riverview). In order to obtain funding for Stage II the City had to designate housing sites for residents that would require relocation as a result of the project. The selection process began with a joint effort between George Plantadosi (acting Director of YURA), Emmett Burke (Chairman of the MHA), and Phillip Pistone (Director of the Planning Department), to identify possible sites (US vs. Yonkers, 27). In April 1965, this group made public a list of twelve potential sites located throughout the city. This group anticipated strong community opposition to certain sites on the list. Therefore they agreed that the sites would be described as "under discussion" and that no individual would be identified on record as supporting any specific site (US vs. Yonkers, 27). In May 1966, the MHA submitted a list of twelve sites to the City Council and the Planning Board. This final list included nine sites identified by the Interagency team the previous year, and two new potential sites. Out of the eleven sites on the list three were located in East Yonkers, two were in a predominantly white neighborhood in the Southwest, and the rest were in minority neighborhoods in the Southwest (US vs. Yonkers, footnotes 9).

As expected, there was strong opposition to the three East side sites and the two sites in the predominantly white neighborhood. Residents, civic associations, and Councilman

Nicholas Benyo from the twelfth ward, where two of the sites were located all were vocal in their opposition. While public opinion from residents in the Southwest is not well documented, a pastor from a church in the Southwest wrote a letter to city officials urging them not to locate additional subsidized housing in the Downtown area of the Southwest (US vs. Yonkers, 29).

Following tradition, the Planning Board was the first agency to review the sites. The Board voted against seven of the sites: the four that were approved were in the Southwest. The Planning Board then moved the issue to the City Council. The Council referred all eleven sites to its Housing Committee for further study. The issue stalled there for nearly a year. While City Council was content to keep the issue on hold, Burke pushed for a decision. Finally, in April 1966, after two memos from Burke, the City Council's Committee on Housing and Urban Renewal arrived at a decision: the Committee recommended the same four sites in the Southwest which the Planning Board approved nearly a year earlier (US vs. Yonkers, 30).

Although the Committee's decision allayed the fears of those who opposed the original Interagency list, it was not universally applauded. The Committee's recommendation was roundly criticized by the Yonker's Council of Churches, the NAACP, CORE, and a member of the Yonker's Human Rights Commission (US vs. Yonkers, 30).

However, the Council was not moved by this expression of

public chagrin. After receiving the Committee's recommendation the City Council voted to approve one of the sites (on Hawthorne Avenue) and sent the other three back to committee. In November, 1966, HUD informed the City that it would not take any action on the Hawthorne Avenue site, and requested the City submit alternative sites. One of the reasons which HUD gave for its decision was that the site "presented problems with respect to the potential for concentration for minority groups" (US vs. Yonkers, 31). Despite two years of effort and study, the City still needed to identify a site for relocation housing to get funding for Stage II.

The City, at this point, essentially returned to square one. In an effort to identify sites that would be acceptable to HUD, YURA formed a subcommittee of its Citizens Advisory Committee (CAC). The CAC subcommittee came up with a list of nineteen additional sites scattered through-out Yonkers. This list was forwarded to the City Manager with a recommendation that five be given further study. No further action was ever taken on the sites submitted by the CAC (US vs. Yonkers, 32).

Meanwhile, The Council's Housing Committee went back to work on developing its own list. Early in 1967 the Committee recommended seven sites to the City Council. Essentially it was the same list of eleven that the MHA presented to the Council in 1965, excluding the Hawthorne Avenue site (rejected by HUD) and three others (two of which had already been acquired by private developers). After the list was made public the now usual strong

opposition was mounted against the two sites which were in a predominantly white neighborhood (US vs. Yonkers, 34-36).

In February, 1967 the City Council held a meeting to vote on the sites presented by the MHA. Four of the sites were eliminated two because of their proximity to other subsidized housing, and two in predominantly white areas, including the only remaining East-Side site. Two sites in a heavily minority neighborhood were approved. The decision on the seventh site, located in another Southwest neighborhood with a concentrated minority population was postponed at that time: two weeks later it was approved. After two years of deliberation the Council had three sites, all in minority areas, despite HUD's rejection of the previously recommended sites for exactly this reason.

In May, 1967 HUD informed the city that it would not approve any of the three sites submitted. This brought the Yonkers' Stage II urban renewal project to temporary standstill (US vs. Yonkers, 36).

This episode demonstrates the powerful influence the political structure in Yonkers has on site selection. Council members are elected to two year terms. As a result of this limited political horizon they are under constant pressure to support local interests over the interests of the city as a whole. On many occasions noted by the Court, Council members initially supported scattered site housing but rejected the concept when it came down to a vote. The safe route, one which did not jeopardize future electoral support, was to vote against

sites in predominantly white neighborhoods. To do otherwise was, in the words of one councilman, "political suicide." As a result, the Council repeatedly defied HUD putting millions of dollars of badly needed urban renewal funds at risk.

Councilmembers' strong tendency to support local concerns over city-wide interests was made possible by an unofficial, but widely recognized policy of "councilmanic veto power" (US vs. Yonkers, 38). By tradition, the councilmember whose ward was affected was given the lead in determining the outcome of the issue. When it came to site selection it was well known that for a site to be approved, it must have the support of the ward councilmember. Without the councilmember's backing there was little possibility that a site would be seriously considered.

One example of this veto power came when the Council was considering the sites proposed by its Housing Committee in 1967. At that time several Councilmembers, including the recently elected Mayor, James O'Rourke, spoke in favor of scattered site housing. Coming on the heels of HUD's rejection of the Hawthorne Avenue site they recognized that future urban renewal funding would hinge on the City's ability to find sites for public housing outside of areas of minority concentration. One site under consideration was in East Yonkers on Bronx River Road. According to one Councilmember the site seemed "to fit what everyone has been looking for" (US vs. Yonkers, 36). Councilman Benyo, from the twelfth ward where the site was located, was adamantly against its selection. Prior to the vote on the sites the Council called a recess and went into closed

session. When the vote was taken the outcome was eight to five against the Bronx River Road site (US vs. Yonkers, 36). Many similar instances of "councilmanic veto power" are documented in the Judge Sands ruling.

The Planning Board also played an important, if variable role in site selection. While the Council, and therefore the individual members, could veto decisions made by the Board, the Board played an important gate-keeping function. When there was strong community outcry against a site, and the Planning Board disapproved it, generally the City Council also rejected the site (US vs. Yonkers, 40). Such was the case with the Bronx River Road site. On the other hand, in cases where the Planning Board rejected a site on technical grounds, but there was no community opposition, the Council might choose to override the Board's vote and recommend the site.

The Planning Board was influenced by community opinion, although not to the same degree as the City Council (US vs. Yonkers, 41). Individuals and groups often sent letters and petitions to the Planning Board. On occasion they appeared in person to make their opinions known. In addition, Council members often sat in on Planning Board sessions in which sites for public housing were being discussed. The City Council also formed a Council Committee that met with agencies, such as the Planning Board, involved in the site selection process.

In the case outlined above we can see an instance when the Board was subjected to direct pressure from elected officials.

When the Planning Board was considering the eleven sites presented by the MHA in May 1965, Councilman Nicholas Benyo made it clear to the Board that he was strongly opposed to the site being considered in his ward. The Board voted to disapprove that particular site. No explanation was recorded except for mention in the minutes from the Planning Board's meeting that "Councilman Benyo and his constituents were opposed to the site" (US vs. Yonkers, 29).

Another agency which played a role in the selection process was YURA. YURA limited its role to non-political activities. During this period YURA was very active in finding sites, however, it did not take a strong role in influencing which of the sites were actually selected. When the City initially launched the 1965-1967 campaign to find sites for public housing the acting Director of YURA, George Plantadosi, was part of the interagency team responsible for producing the first of many lists of possible sites for public housing. The sites included on the list were located throughout Yonkers. After HUD turned down the Hawthorne Avenue site, YURA initiated its own search for sites; the CAC subcommittee formed for this purpose was, in Plantadosi's words, "going to war to get sites for us" (US vs. Yonkers, 32). Yet when it came down to selecting specific sites YURA backed off this stance. When a citizens group in Northeast Yonkers asked Plantadosi to meet with them to discuss a proposed site in their neighborhood, he chose to respond with a letter in which he played down the CAC's role and explained that a thorough study of each site would be conducted which would

include "consideration of the attitude of the local community toward accepting public housing" (US vs. Yonkers, 33-34). On an earlier occasion when Emmett Burke was urging the City Council to take action on sites which had been in committee for a month, YURA responded that it "would not presume to recommend for or against any of the sites selected" (US vs. Yonkers, 29). It appears that YURA interpreted its role as a technical one of keeping a low profile while simply suggesting sites. This left the lobbying and decision making to other actors.

The MHA was the fourth actor in the site selection process. Although the MHA was not successful in this particular episode, out of all the local City agencies it alone demonstrated a continuous effort to find sites outside of the Southwest. Emmett Burke, Chairman of the MHA, was an active promoter of scattered site housing. The very first proposal for a public housing project under the 1949 Housing Act submitted by the MHA was targeted for a site in Northwest Yonkers (US vs. Yonkers, 10). This site, like many others in years to come, was rejected. Burke and the MHA did have some success. In 1979, the Council approved a subsidized housing project for senior citizens that was located outside of the Southwest (US vs. Yonkers, 143). It was quite a victory since it was the first time since 1963 that a site East of the Saw Mill Parkway was approved. In reaction, two years later the City Council passed a resolution which curtailed the MHA's powers by limiting its authority to provide low-income housing assistance only to senior citizens (US vs.

Yonkers, 128). It may well be that the MHA's ability to be a pro-active supporter of scattered housing was related to its charter as a semiautonomous authority.

B. The 1970 Campaign for Public Housing

In the early 1970's, at the constant urging of HUD, Yonkers launched another campaign to find sites for public housing. This time the search had the express intention of locating public housing projects "outside areas of minority concentration" (US vs. Yonkers, 75).

In June 1972, after more than a year and a half of searching, the Parkledge site was approved by the City Council. Despite HUD's preference for an East side location, the site selected was in the Southwest, but it was in a predominantly white Southwest neighborhood. The site was approved despite its location, not because of a change in attitudes on behalf of residents or public officials, but rather because of fortuitous timing, combined with steady pressure from HUD for the City to demonstrate progress in adopting a policy of scattered site housing.

When Morton Yulish became the first administrator for the Department of Development in 1971, he was given the responsibility of finding a site that would both meet HUD's approval and be feasible in the Yonkers political arena. Yulish

employed two different strategies to accomplish this task. The first was to attempt to gain some support from the Council and the second was to leverage HUD's fiscal power over the City.

Yulish, and his staff, conducted numerous surveys in his search for sites. Some assessed the physical suitability of potential sites. Others were attempts to find the support he knew would be necessary to gain City Council approval. As part of this strategy he held numerous meetings: sometimes private sessions with East side Councilmembers, other times public meetings with neighborhood associations (US vs. Yonkers, 77).

According to testimony by Yulish, it was extremely difficult to find political backing because of deliberate efforts to "keep the issue of subsidized housing at the boiling point" (US vs. Yonkers, 77-78). One example of this charged political atmosphere was the way organized groups would argue against the City's housing program. These "hit squads", as Yulish described them, would come to the same meeting with neighborhood associations which Yulish and other City officials attended. Another tactic used to rally political support was to offer Councilmembers various incentives to back a site in their ward, such as street work or a small park (US vs. Yonkers, 80). This approach met with little success. Most Councilmembers, agreed with one East side representative who contemplated backing a site in his ward, ultimately they determined that it was too risky.

While working within the local political scene, Yulish also sought outside help through HUD. He invited the regional Director of HUD's New York Area Office, S. William Green, to Yonkers in an effort to convince the City Council to give concrete support to scattered site housing. Green informed the City that if it did not build subsidized housing outside of its inner city areas it would disqualify itself from millions of dollars in federal redevelopment funds (US vs. Yonkers, 82). In addition, Yulish asked HUD to put into writing a requirement that a grant for the proposed Otis expansion be subject to Yonkers first gaining approval for a housing site outside of areas of minority concentration. HUD did so, stating that all of the City's urban renewal funds would be cut off unless a scattered site was submitted (US vs. Yonkers, 82).

As a result of this clear warning, in April City officials and the UDC acted on a proposal for subsidized housing submitted several months earlier by a private developer. The site had been previously considered but had been rejected due to strong opposition by residents and the ward Councilmember Moczydlowski.

Circumstances were considerably changed the second time the site in Moczydlowski's ward was proposed. Unlike the first time the site in Moczydlowski's ward was considered, this time there was a factor which had a strong influence over obtaining his support. Many of residents of Moczydlowski's ward worked for the Otis Elevator Company. Otis had planned to leave Yonkers, in part because it needed additional space. The City had a

redevelopment proposal which would provide Otis with room to expand. Many of the ward residents believed that their jobs were tied to the City's ability to obtain federal funding for the Otis expansion project (US vs. Yonkers, 83). If the City didn't find a housing site acceptable to HUD it was very unlikely that the funds would be forthcoming.

Moczydlowski gave his backing to the site. Despite the threat of lost jobs if the City forfeited its urban renewal funding many community residents still voiced strong opposition to the Parkledge site. To help insure continued backing by Moczydlowski, access to the project was relocated so that it would not run through a single family neighborhood despite objections to the change raised by the traffic planner because of a dangerous left-hand turn that would result (US vs. Yonkers, 83). Furthermore, according to court testimony the Councilman was not discouraged from telling his predominantly white constituents that they would be "given preference in the rental of the project" (US vs. Yonkers, 83). When the site was finally voted on by the City Council it was approved unanimously. Shortly thereafter, Moczydlowski resigned his seat on the Council to take an appointment as City Clerk.

While in the short term the approval of Parkledge was considered by some as progress toward scattered site housing, the long term effect was less positive: Parkledge was the last time the City attempted to build subsidized housing for families on its own initiative.

C. Housing Activities Under the 1974 Community Development Act

While Morton Yulish made an effort to find sites outside areas of minority concentration, his successor, Alfonse Yost, did not. In 1974, Yost was named Director of Development. During his tenure as Director he did little to promote scattered site housing. In fact, it appears he often worked to appease Councilmembers concerns when scattered site housing proposals were considered. In 1975, he played a key role in the City's negotiations with HUD over the use of Section 8 Housing Certificates. The City petitioned for permission to change the program from a 50-50 split between senior citizens and families, to exclusive use of the certificates by senior citizens.

Through the Section 8 program, certificate holders were allowed to seek housing anywhere in the City. Many Councilmembers were fearful of the ability of families to use Section 8 certificates in their wards. As a result, the City voted to reject the Section 8 program. The following day Yost explained to HUD official that "he was having difficulty in getting the administration to go along with the Section 8 Existing program as outlined in the Year 1 HAP." He then justified a change in the allocation of certificates (from 100 divided equally between senior citizens and families, to 100 exclusively for senior citizens) based on the lack of mortgage monies required for the construction of new senior citizen housing (US vs. Yonkers, 123).

Yost also suggested an incentive that could be used to persuade Councilmembers to reconsider approval of the application for Section 8 certificates on a senior citizen's exclusive use basis. Specifically Yost suggested that:

each councilman be allowed to recommend to the Agency eight worthy individuals in their respective wards who qualify... and the agency would give those people priority such that each Councilman could get full credit for whatever his involvement turns out to be (US vs. Yonkers, 125).

There is further evidence that Yost did not support scattered site housing. When in 1975, a developer submitted a proposal to DOD for a Section 8 new construction housing project on Highland Avenue in Southwest Yonkers, Yost explained to the developer that the DOD's goal was to disperse subsidized housing throughout the City. Yet, in the same conversation, Yost commented that DOD "had a long way to go before that became the City's policy." According to Judge Sand's ruling this aside prompted the developer to take another route; the developer took his plan to Mayor Martinelli and was rewarded with the backing of the Mayor and the City Council (US vs. Yonkers, 134).

Although the developer had won the backing of the City Council there was still an obstacle. The City's Year 1 HAP called for the promotion of sites in East Yonkers. Sites in the West were only to be considered under extraordinary circumstances. However the City Council so strongly supported the project that it passed a resolution to amend the Year 1 HAP to specifically include the Highland Avenue site. HUD was reluctant to process the City's proposal. In response, Yost sent

a letter to HUD pointing out that the Year I HAP "allows for Section 8 developments in unspecified areas of West Yonkers." He neglected to mention, however, that projects "outside the East Yonkers area must have the most compelling design, locational, and neighborhood arguments," in order to be considered, and HUD did not pick up on this omission.

Yost told the would be developer about the amendment to the Year I HAP and gave a "guarantee that the Year II HAP would specifically include the Highland Avenue site" (US vs. Yonkers, 133).

While DOD and City Council went out of their way to support a site in West Yonkers, in direct contradiction to the City's Year I HAP, they made an equally conscious effort to fight a site in East Yonkers

Unlike the Highland Avenue site, which the City planners were adamantly against, a proposal for a senior citizens housing project (Midland Mews) received a very favorable review from the Planning Bureau and the Planning Branch of the DOD. Following a meeting between the developer, the architect, and City Planning, Lawrence Blumenthal, Deputy Planning Director wrote this about the Midland Mews proposal.

The housing . . . is properly scaled in its juxtaposition next to single family homes. It makes a fine transition from S-50 (single family) to a B (business) zone. The building will require minor variances for parking -- to allow ten percent parking as is customary for the Elderly rather than 150 percent as required, and a reduction in the allowable square feet per unit. Pistone believes these requests are justified.

The Planning Branch (of DOD) and the Planning Bureau (headed by Pistone) agree that the site is well suited for housing for the Elderly vis-a-vis public transportation, shopping, recreation, etc. as well as its location in the eastern half of the city (US vs. Yonkers, 135).

Like most proposed subsidized housing sites in East Yonkers, community residents were not inclined to support the project. The Midland Mews project required a parking variance and therefore had to be reviewed by the Zoning Board of Appeals. Residents attending the meetings raised numerous objections to the project, from inadequate access to shopping, churches, etc. (contrary to the findings of City Planners) to the contention that the "housing would become a 'tenement' and create 'the seeds of a ghetto'" (US vs. Yonkers, 136). Apparently, many residents were concerned that the project would be converted from housing for senior citizens to housing for families. Little of the discussion at the Zoning Board meetings had to do with the parking issue. The ward Councilmember also attended the second of the two meetings on the parking variance. The Councilman explained that he would not speak at the meeting on the advice of the City's Corporation Counsel, but he did note that the variance would have to be passed by the City Council (US vs. Yonkers, 136). The implication was clear; even if the Board allowed the variance it would be defeated in the Council. The Zoning Board denied the variance. The federal Court, however, found that the type of variance requested had been

routinely granted for senior citizen's projects in the Southwest, both before and after this incident (US vs. Yonkers, 137).

The City Council, in its review of the project criticized the site because it "lacked nearby shopping, was adjacent to single family homes, was of inappropriate scale and heights, and was 'undesirable' for senior citizens because of an 'unsightly car lot' nearby" (US vs. Yonkers, 138).

After the Zoning Board's second meeting Alfonse Yost directed one of the Planning Bureau staff planners to "set up whatever meetings you feel are appropriate to establish the City's position against this particular proposal (emphasis in the original) (US vs. Yonkers, 138). Clearly Yost did not feel that it was inappropriate for him to oppose this project even though his own "technical experts" in the Planning Bureau of the DOD supported the proposal. The ruling of the CDA Director triumphed.

The sharp contrast between Yulish's active role in seeking sites that were not in heavily minority neighborhoods and Yost's acquiescence to the City Council's wishes, merits further study because it highlights several important points.

Prior to joining the Department of Development in 1971 Yulish was Deputy Director of Operations in HUD's New York Area office. As a result of these close ties, Yulish was able to use HUD's power over urban renewal funding to support scattered site housing in Yonkers.

However, Yulish had another factor in his favor--he had some degree of political support. At one point Mayor Del Bello and City Manager Seymore Scher explained to Yulish that "they had been unsuccessful in achieving it (scattered site housing) and that it was his turn now." According to Yulish, Scher "bent over backwards" to encourage East side Councilmembers to back a site in their ward by offering them various public improvements to help them persuade their constituents.

While Del Bello did not actively to support scattered site housing, he did not actively oppose it as he did at other times and as did the other Mayors. Perhaps this can be attributed to the strong pressure put on the City by HUD and the City's desire to obtain continued urban renewal funding. In July, 1971, (a year prior to the approval of Parkledge) Grace Malone, Director of the Fair Housing and Equal Opportunity Division of HUD's New York Area Office wrote a memorandum recommending that Yonkers Year II NDP application for urban renewal funds be turned down based on the City's failure to provide relocation housing opportunities for minorities outside of heavily minority areas (US vs. Yonkers, 75). HUD subsequently made it clear that future funding would be contingent on selecting a site outside of areas of minority concentration, and preferably East of Saw Mill River Parkway. In contrast to the relatively favorable climate and supportive political environment which Yulish faced.

By the time Yost became Director of DOD any sentiment that had existed in support of scattered site housing had dwindled significantly. A telling sign was the election of Angelo

Martine III as Mayor. Martine III campaigned as an opponent of any additional construction of subsidized housing in Yonkers (US vs. Yonkers, 120). Other evidence exists that during the mid 1970's Yonkers dug in its heels to resist subsidized housing outside the Southwest. Judge Sand noted in his decision that the City did not apply for Section 8 Existing Certificates for families at this time, even though it was well documented that assistance was badly needed. In fact, the City chose not to use the many certificates for senior citizens that it was allotted and did little to ensure that the certificates that were distributed were used in Eastern Yonkers. Apparently, the City "sought to conceal from HUD the extremely limited geographic scope of its outreach efforts." Furthermore, the City Council did not allow HUD to transfer the Section 8 Existing Program from the CDA to an agency that was "less responsive to elected City officials" (US vs. Yonkers, 129).

The City Council during this period not only resisted outside pressure by HUD to promote scattered site housing it dismissed recommendations made by its own Planning Bureau and and disregarded housing needs documented in Housing Assistance Plans prepared by the CDA with assistance from the Planning Bureau. While in the past the City Planners argued against many of the projects supported by the Council (e.g., in the Southwest, Highland Avenue) and recommended dispersed housing, the City Council habitually disregarded the advice of its Planners when it disagreed with them. Given its historically limited role of providing technical support and advice to the

City (i.e. the City Council and the Planning Board) and its agencies, it was unlikely that the Planning Bureau would take a more active posture. This conception of the Planning Bureau as a technical and politically impotent agency, was reinforced by the Board itself. In the past, the Board had made it clear that political considerations not only would, but should, dominate technical issues.

For example, in 1962 the Planning Board met to consider a proposal to increase the number of units planned for a public housing project in the Southwest (Schlohoym Houses). Initially the Board disapproved the proposal because the increase would result in an overconcentration of public housing in the area. In a subsequent meeting the proposal was reconsidered. Planning Director Phillip Pistone advocated dispersion of subsidized housing stating that there was "no reason why it should all be concentrated in one area...one ward (US vs. Yonkers, 23-24). A Board member responded that his view was "interesting" but "politically impractical...when you come up before Council, every Councilman objects to it." Following this exchange the Planning Board voted again on the expansion proposal, this time approving it (eventually this particular proposal was dropped from further consideration). According to one staff planner the Bureau will often make recommendations, but it "cannot tell them (the Planning Board) what to think." (Ellman 1987) Yet the minutes and other documents do not demonstrate strong follow-up by the professional planning staff in an attempt to either change the opinion of the Board, or to elicit community

reactions to site selections even though there was support in the community.

VII. SUMMARY

The purpose of this study was to examine how the decisions for public and subsidized housing in Yonkers were made, and in particular to explore the role of the planners in the segregation of public housing and schools. The hypotheses of this study are twofold; first, that the professional planners, by and large, refused to acknowledge the relationship between the composition and location of housing and the resultant segregation of schools. For example, they did not understand the relationship between the location of public housing and the issues of school segregation planning, bus routes, feeder patterns, and school enrollment composition. And second, that planners were ineffective in influencing, or would not engage in, the political process which promoted housing segregation through the site selection process over the past forty years. In addition, they refused to influence the school districts' decisions which promoted school segregation.

These hypotheses were explicated by an analysis of how site decisions for public housing were made in Yonkers. It emerged very quickly that there was not one "planner" but many planners, and each represented different agencies involved in the site selection process. There was not one role, but many. The political and social environment in Yonkers had a significant influence over those roles. The City Council enjoyed broad legislative powers. It had control over site selection, and all City policies and plans, including Master Plans and Housing Assistance Plans.

The selection of sites for public and subsidized housing was not based on standardized planning criteria, the needs of the community, or an evaluation of alternative scenarios, but on "political feasibility." Ultimately, when a decision was made on a site by City Council it rarely mattered what the Planning Bureau or the Planning Board recommended. The City Council almost invariably chose to support the vocal majority which was opposed to the recommendation of sites outside the minority areas. It was unlikely that such a site would ever be seriously considered.

The City Council in dealing with public housing was faced with a dilemma. It recognized the badly deteriorated condition of its downtown area as a serious threat to the City's economic vitality and potential for future growth. Therefore, on the one hand, it strongly desired federal funding to support urban renewal. On the other hand, Councilmembers did not want to jeopardize the status quo in their wards which would in turn jeopardize their own political future.

The social culture in Yonkers, expressed by the white majority, was rigidly opposed to public housing in their neighborhoods. Overtly, because of economic reasons, but in fact racial prejudice was clearly involved. This had a very strong impact on Council decisions. The ward system which was highly responsive to local concerns built in a strong tendency to place local interest above the interests of the City as a whole. Hence, again and again the City Council chose to push public

housing into the heavily minority Southwest. The Council and the CDA rationalized this policy by justifying the use of public housing in the Southwest as an anchor to redevelopment.

Nonetheless, when the location of subsidized housing in the Northwest and East was required in order to obtain federal funding the City Council very often voted to forfeit that funding. It was in this policy environment that professional planners from all the agencies had to operate.

The Municipal Housing Authority's mission was to propose, construct, and operate, public housing in Yonkers. It was largely an independent authority and did attempt to carry out its mission within the political context. It did not confine itself to site selection only in the Southwest. Burke, the MHA's Chairman for over twenty years, took an active role in trying to promote scattered site housing. From 1940 till 1980 the MHA regularly proposed sites in the Northwest and East and in several cases was actually successful in gaining their approval. But even the MHA projects ultimately required approval by the Planning Board, and then by the City Council, hence most of its efforts were unsuccessful.

Morton Yulish, Director of the Department of Development (1971-1974) was given the task of finding scattered site housing. In an attempt to achieve this end he worked through the local political system as well as drawing in outside influences such as, HUD. Through his efforts, the City Council did in fact approve a site that was, if not in the heart of East Yonkers, at least in an area outside of minority concentration. It is

Important to recognize that had Yulish been working on his own he would probably not have been successful. He had support within the political process, particularly from Seymour Scher (1970's), who did much to rally the political support necessary for approval of the site.

The Planning Bureau, headed by Philip Pistone, historically defined its role as a provider of technical information to the City Council, the Planning Board and other City agencies. By espousing a technical role the Planning Bureau attempted to largely divorce itself from the political arena to the point where Judge Sand noted that Pistone's testimony "with respect to all political matters was characterized by professional inability to recollect" (US vs. Yonkers, 78).

The Planning Bureau over the years supported the concept of scattered site housing. In each period examined by the court it recommended sites outside of minority concentration which met local and federal planning criteria. As early as 1959 it expressed concern over the "lower family income concentration in the periphery of the CBD" (US vs. Yonkers, 43). The Bureau opposed sites in the Southwest which violated zoning ordinances or jeopardized other plans for redevelopment of the downtown area. Yet there is no documentation of follow-up or community strategies once their recommendations were rejected.

While many of the Planning Bureau's actions and recommendations supported the dispersion of subsidized housing throughout the City, the Planning Bureau was unable to persuade the City Council to make decisions based on thoughtful analysis

and consideration of alternatives. Judge Sand noted that it was "difficult to discern any plan at work" (US vs. Yonkers, 45). However, it was not that planning did not occur in Yonkers, but that the planners were very limited in their understanding of the comprehensive nature of their work and the impact of their decisions on other sectors of life in the City. In addition, their conception of their role as technicians rather than advocates or community mediators left the City Council free to ignore the Bureau's recommendations or use its advice and technical information selectively, depending on the particular situation.

In contrast to the Planning Bureau, YURA and particularly its successor, the CDA, attempted to take an active role in shaping the development of subsidized housing in Yonkers beginning in the 1960's. Its goal was to implement urban renewal projects. It took what measures it could to attain that end. When Walter Webdale became Director of YURA in 1967, the City's Stage II urban renewal project had come to a halt. His primary objective was to get the process back in motion. It was clear that this would not be accomplished by promoting scattered site housing. Consequently, Webdale and his staff compromised with the political situation and concentrated on the Southwest. They located sites, recruited sponsors, and aided developers in their dealings with HUD and the City Council through technical and political support. The practice of agreeing to a policy of segregation in order to obtain badly needed public housing was

continued by Alphonse Yost as Director of the CDA.

When Yost assumed office it was apparent that the City Council would not support programs which entailed the development of subsidized housing outside the Southwest. He negotiated changes with HUD to the City's housing plans to appease the City Council's concerns. Despite the fact that a major goal of the Housing and Community Development Act was to encourage the dispersal of housing opportunities for minorities the CDA did little to further that goal, nor did HUD. For example, the HAP's prepared for the first three years of the program documented the need for housing for families, yet the CDA did not act on this need other than rehabilitating structures in the Southwest.

The development of public and subsidized housing in Yonkers through the eyes of the court provides an opportunity to examine different roles assumed by planners. The roles chosen were to a great extent shaped by the goals of the particular agency and the political and social environment of Yonkers.

Those who carried out planning in Yonkers were faced with incompatible goals desired by the federal government and the City of Yonkers; federal policy was to implement urban renewal and at the same time expand housing opportunities for minorities. The elected officials of Yonkers defined their goal as restoring the Southwest without disturbing the status quo of the white majority. The outcome of this conflict was that only the City's goal was realized. The planners influence on site selection for public housing in the last forty years was, at the

very bets, negligible, and, at the worst, supportive of a political process which concentrated subsidized housing in the Southwest. Over the long term the effect was to limit housing opportunities for minorities to one area of the City, which in turn limited educational opportunities for that same population.

The role the planner assumes not only has implications in terms of effectiveness in achieving desired ends, but it also has implications for the quality of life and opportunities available to the residents of the community in which the planner works. The planner must carefully consider whose goals are being served and whose goals are being excluded.

APPENDIX A

TIMELINE: HOW PAST EVENTS ADDED UP TO A SUIT

1971:

United States Department of Housing and Urban Development warns the city of Yonkers against further concentration of subsidized housing in west Yonkers. Regional Director S. William Green tells the City to develop a fair housing plan and develop scattered housing sites.

1972-1977:

Subsidized and public housing built during this period is concentrated in Southwest Yonkers.

Board of ed closes six schools in 1976 because of fiscal crisis. The same year the board disbands a task force set up to look at the problem of segregation and does not act on the panel's recommendations.

A 1977 integration plan proposed by Schools Superintendent Joseph Robatielle is withdrawn because it calls for some busing.

Jan. 10, 1978:

Yonkers chapter NAACP files complaint with the U.S. Department of Health, Education, and Welfare and the U.S. Department of Justice charging Yonkers schools are intentionally segregated. Both departments investigate.

June 25, 1980:

The federal government issues its reply to the NAACP complaint. Yonkers schools are "purposefully" segregated by race due to "actions and omissions of both the Board and the city." The government gives the city and Board 30 days to show willingness to correct violations or face a lawsuit.

June 26, 1980:

After a separate investigation the federal Department of Education's Office of Civil Rights charges the district with discriminating against minority students by placing large numbers in classes for the emotionally disturbed.

July 19, 1980:

School Board votes to "express its willingness" to comply with government orders, but denies ever doing anything to segregate schools intentionally. The Board votes to set up a special citizen's committee to develop a voluntary integration plan.

August 26, 1980:

Justice Department officials ask the School Board to sign a consent decree that proposes certain guidelines. The enrollment at each of the district's 35 schools would have to reflect "as closely as possible" the 40% minority enrollment citywide. It would also require the integration plan to be complete by February 1981 for implementation the following September.

August 28, 1980:

Board refuses to sign consent decree saying it wants to let a citizen's group develop an integration plan. Meanwhile, John Romano, a member of the School Board, offers an alternative plan that calls for integrating the City's five high schools by shifting minority students over four years.

Sept. 16, 1980:

Board appoints 15 members to the Citizen's Planning Advisory Committee to come up with integration plan. Only two blacks and one Hispanic are members. Also represented are the PTA, clergy, and local taxpayer groups. Committee meets many times in 1980 but does not come up with specific plan to desegregate the schools.

Nov. 4, 1980:

U.S. Department of Education writes a letter informing school district that it has until Nov. 14 to comply with integration guidelines set forth in the proposed consent decree. The Department warns that failure to comply will prompt a federal lawsuit.

Nov 12, 1980:

Yonkers School Superintendent Joan Raymond announces she has just received the letter. A request for a deadline extension is denied by federal officials.

Nov. 22, 1980:

School board adopts its own guidelines that would apply to each school on a voluntary basis. Federal officials reject the plan, charging it "contains many serious loopholes" such as mandatory reassignment of students to achieve integration.

Nov. 24, 1980:

Yonkers School District asks federal judge to block the threatened federal lawsuit. Within hours, U.S. District Judge Leonard B. Sand throws the motion out of court.

Dec 1, 1980:

The Justice Department files suit in U.S. District Court in Manhattan to force the school district to integrate and to require the city to develop future subsidized housing in areas outside of minority

concentration. It is the first time the federal government has charged a municipality both with housing and school segregation. School and city officials say they are ready to fight the case in court but willing to continue negotiations with federal officials.

March 19, 1981:

At the recommendation of Dr. Raymond, Board of Education withdraws a plan to desegregate five schools by busing minorities. City Council votes to withhold funds for desegregation.

June 29, 1981:

Judge Sands allows the Yonkers chapter of the NAACP to join the case with the Justice Department. The NAACP joins on behalf of Charlotte Ryer, a resident of one of the subsidized housing complexes, and her teen age daughter, Regina, a student at Yonkers High School. NAACP is also granted permission to represent "all similarly situated black and minority children and their families."

NAACP sues HUD, charging that it approved housing plans and distributed funds that led to concentration of minorities in West Yonkers.

June 2, 1982:

The Justice Department offers to drop its suit if the school board and city government sign a consent decree similar to the one presented in August 1980, city and board officials reject the offer.

Sept. 10, 1982:

Judge sand appoints Alexander Forger of Larchmont as mediator in the hopes of reaching an out-of-court settlement. Meetings with Forger during the ensuing months prove fruitless.

February 1983:

Court tells City Council it cannot go through with its planned sale of former school 4 in Southeast Yonkers to a developer for conversion to condominiums. The school is one of 14 potential sites for low-income housing in East Yonkers listed by the city in 1980 and NAACP had contended the site should be held in reserve until suit was settled.

March 1983:

Dr Raymond submits a consolidation plan to the federal government that calls for closing six schools and establishing magnet centers. The plan is rejected by both the Justice Department and the NAACP because it calls for voluntary busing.

Aug. 2 1983:

Trial begins

October 1983:

Judge Sand takes a private, two day tour of Yonkers accompanied by lawyers involved in the lawsuit and a court reporter.

Nov. 11, 1983:

The trial is recessed to allow Forger time to try and mediate a settlement. The recess lasts seven months. Public meetings and rallies in East Yonkers are held to voice opposition to subsidized housing proposals.

March 19, 1984:

Judge Sand approves a partial settlement of the lawsuit between the NAACP and HUD. HUD, agrees to set aside funds to build low-income housing and provide rent subsidies in east Yonkers, and to cut off millions of dollars of Community Development grants to Yonkers if the city does not build the housing and accept the rent subsidies.

March 20, 1984:

Board of Ed votes 8-1 to accept a voluntary plan to integrate the schools under a tentative settlement reached with the Justice Department and NAACP. The five-year plan, which does not call for mandatory busing, was negotiated by mediator Alexander Forger. City Council subsequently refuses to fund the plan.

June 12, 1984:

Trial resumes

July 20, 1984:

City Council votes 4-3 to designate two east Yonkers sites for construction of low-income housing pursuant to HUD's request, one near Tuckahoe Road, the other a vacant, state owned parcel on Yonkers Avenue. Several days later, the NAACP urges HUD to reject the sites.

Sept. 18, 1984:

Trial ends

March 1985:

HUD rejects the two east Yonkers housing sites, saying the city does not have the control needed to guarantee development. City officials say they will correct the problem.

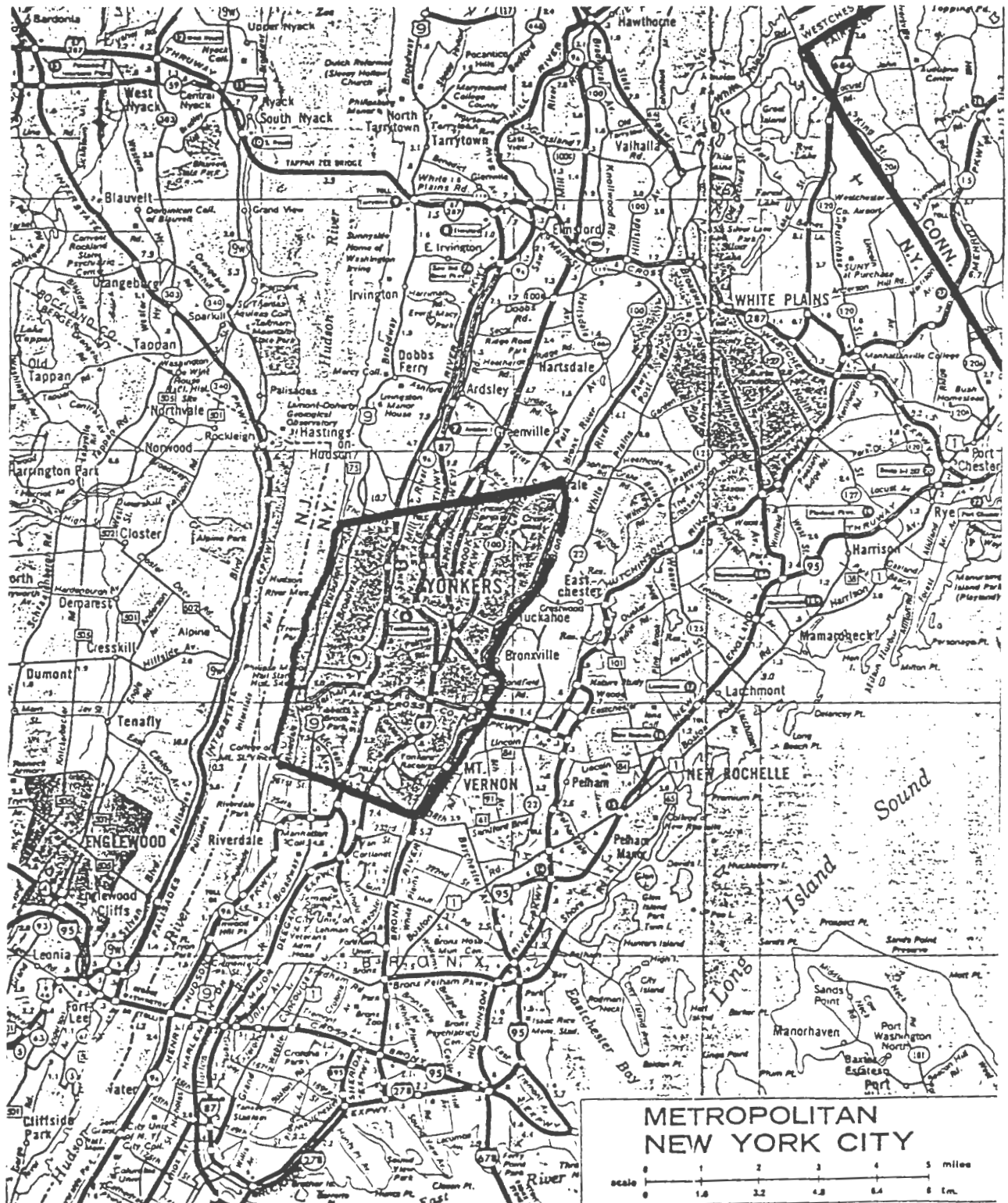
Nov. 20 1985:

Judge Sand finds city and Board of Education guilty of decisive pattern of racial segregation in its housing and schools.

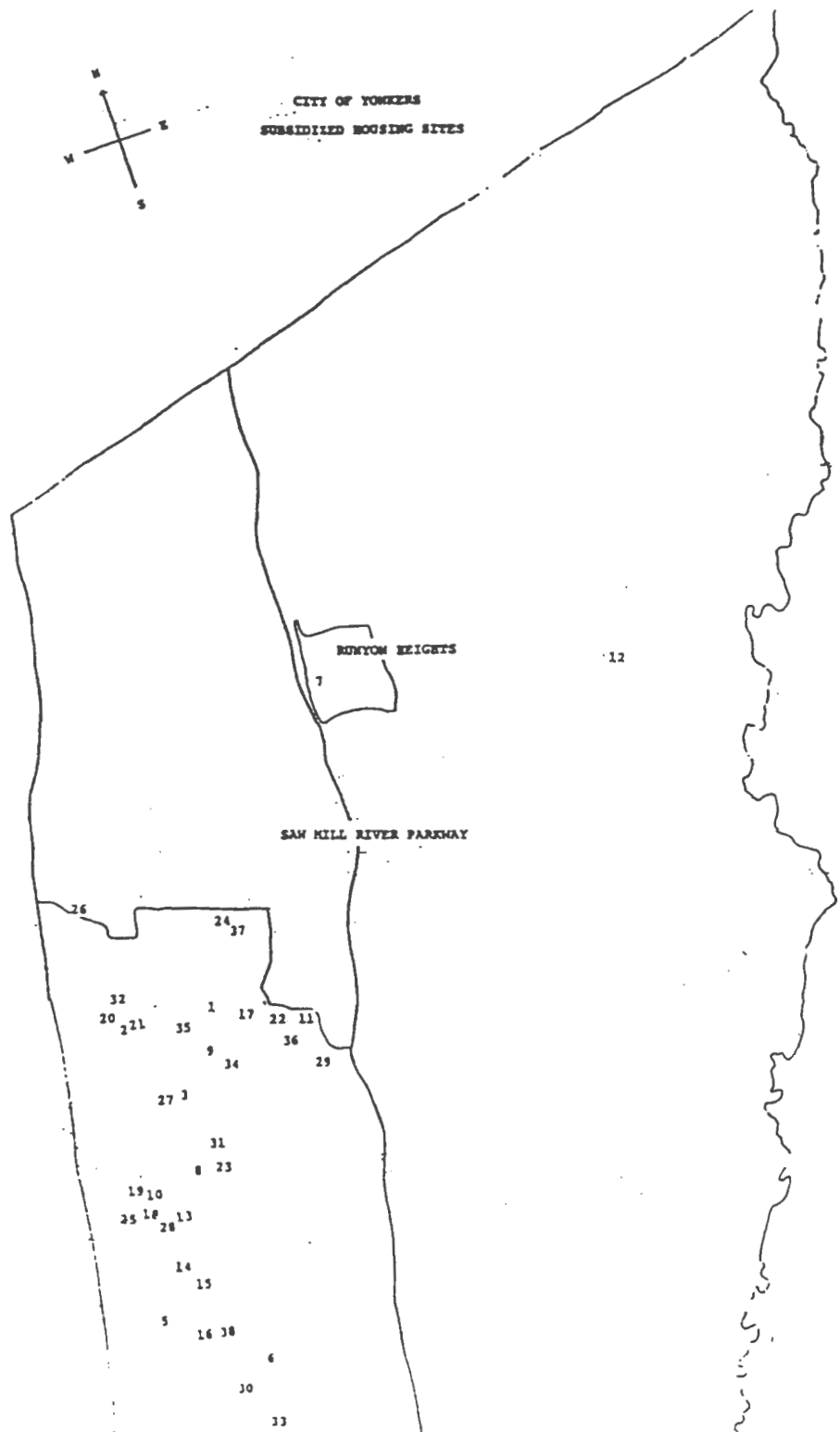
SOURCE: Herald Statesman, November 21, 1985, p. A3

APPENDIX B

Regional Map of The City of Yonkers



APPENDIX C



APPENDIX C - CON'T

	<u>Project</u>	<u>Type</u>	<u>Number of Units</u>	<u>Approved</u>	<u>Opened</u>
1.	Mulford Gardens (Emmet Burke Gardens)	Family	550	1938	1940
2.	Cottage Place Gardens	Family	250	1942	1949
3.	Schlobohm Houses	Family	413	1950	1953
4.	Sunset Green	Family	70	1957	1960
5.	Sunnyside Manor	Family	121	1957	1964
6.	Loehr Court	Senior Citizen	108	1958	1962
7.	Hall Court	Family	48	1958	1962
8.	Calgano Homes	Family	278	1958	1964
9.	Walsh Houses	Senior Citizen	300	1961	1967
10.	Phillipse Towers	Family	544	1962	1964
11.	Kristensen Houses	Senior Citizen	32	1963	1967
12.	Curran Court	Senior Citizen	186	1963	1967
13.	Jefferson Terrace	Family	64	1968	1971
14.	Highland Terrace	Family	96	1968	1969
15.	Messiah Baptist	Family	130	1970	1972
16.	Flynn Manor	Senior Citizen	140	1970	1971
17.	10 Orchard St.	Family	8	1970	1971
18.	Riverview I	Family	454	1970	1975
19.	Riverview II	Family	343	1970	1975
20.	Frazier Homes	Family	21	1970	1973
21.	The Dorado	Family	188	1970	1973
22.	Whitney Young Manor	Family	195	1970	1974

APPENDIX C - CONT'D

<u>Project</u>	<u>Type</u>	<u>Number of Units</u>	<u>Approved</u>	<u>Opened</u>
23. Waverly Arms	Family	28	1970	1974
24. Fr. Fininan Sullivan Towers	Senior Citizen	150	1970*	1974
25. 164-170 Buena Vista Ave.	Family	12	1971	1971
26. Seven Pines	Family	300	1971	1974
27. Cromwell Towers	Family	317	1971	1974
28. Jackson terrace	Family	181	1971	1973
29. Parkledge	Family	310	1972	1975
30. Lane Hill Apts	Senior Citizen	109	1976	1980
31. Margaret Hughes Housing	Senior	101	1977	1980
32. 28 Lamartine Terr.	Mixed	82	1977	1979
33. 557 So. Broadway	Mixed	14	1977	1979
34. St. Casimir's	Senior	264	1978	1980
35. 182 n. Broadway	Family	62	1979	1981
36. Kubasek-Trinity	Senior Citizen	130	1979	1981
37. Monastery Manor	Senior	146	1979	1982
38. Post Street Apts.	Family	55	1980	1981

* Preliminary Approval; final approval given in October 1973

Source: GX 1225.52; 1099.9; 1099.11; C-1700.

REFERENCES

- Brown, Betsy. "First Public Housing Projects Since 1972 Rising in Yonkers." New York Times, August 4, 1985, pp. B1 and B7.
- City of Yonkers, Planning Bureau. 1977. Policies of Future Land Use Development. Yonkers, New York.
- City of Yonkers, 1985. A Manual and Directory to the City of Yonkers and Its Government.
- Cortissoz, Marie. "Housing Order Gets Mixed Greeting." Herald Statesman, May 25, 1986, p. A1
- Ellman, Lee. Deputy Director of Planning, Yonkers, New York. Interview, August 15, 1987.
- Feld, Marcia Marker. "How Housing Decisions Segregate Schools: The Yonkers Case." Paper presented at the 28th Annual Meeting of the Association of Collegiate Schools of Planning, October 11, 1986.
- Feron, James. "Site Questions Could Upset Housing Plan in Yonkers." New York Times, July 2, 1987, p. A1.
- Hochman, Victoria. "Yonkers Complies With Housing Integration Plan." Herald Statesman, July 8, 1987, p. A1.
- Martin, Neil. "Scher versus MHA -- 'A Small War'." Herald Statesman, February 28, 1972, p. 14.
- Meyerson, Martin and Edward Banfield. 1955. Politics, Planning, and the Public Interest. New York, NY: Free Press, Inc.
- Rabinovitz, Francine F. 1969. City Politics and Planning. New York, NY: Atherton Press, Inc.
- So, Frank S., Israel Stollman, Frank Beal, and David S. Arnold (Eds.). The Practice of Local Government Planning, Municipal Management Series. Washington, D.C.: The International City Management Association.
- Stevenson, Jennifer. "Debate for Low-Income Housing Continues." Herald Statesman, July 30, 1987, p. A3.
- "Timeline: How Past Events Add Up to a Sult." Herald Statesman, November 21, 1985, p. A6.
- Tumulty, Brian. "Panel Formed to Draw Council Districts." Herald Statesman, June 14, 1985, p. A3.
- United States vs. Yonkers Board of Education, City of Yonkers, and Yonkers Community Development Agency. (80 CIV 6761 LBS).